

MATTOCH & KIRLEY, LLC

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LYDIA H. SADAOKA,)	CIVIL NO. _____
)	(Other Non-Vehicle Tort)
Plaintiff,)	
)	COMPLAINT; SUMMONS
vs.)	
)	
TARGET CORPORATION, a foreign profit)	
corporation; JOHN DOES 1-10; JANE DOES)	
1-10; DOE CORPORATIONS 1-10; DOE)	
PARTNERSHIPS 1-10; and DOE)	
GOVERNMENTAL ENTITIES 1-10,)	
)	
Defendants.)	
)	
)	
)	

COMPLAINT

Comes now Plaintiff LYDIA H. SADAOKA, by and through her attorneys,
MATTOCH & KIRLEY, LLC as and for her claims for relief against the above-named
defendants, alleges and avers as follows:

COUNT I

1. At all times relevant herein, Plaintiff LYDIA H. SADAOKA was a
resident of the City and County of Honolulu, State of Hawaii.

EXHIBIT "A"

2. At all times relevant herein, Defendant TARGET CORPORATION was a foreign profit corporation incorporated in the State of Minnesota and doing business in Honolulu, Hawai'i, as the retail store "TARGET" (hereinafter "Defendant TARGET").

4. At all times relevant herein, Defendant TARGET owned, leased and/or controlled the premises at Ala Moana Center, 1450 Ala Moana Boulevard, Ste 2401, Honolulu, Hawai'i, for the purpose of operating a retail department store open to the general public ("subject premises").

5. Defendants John Does 1-10, Jane Does 1-10, Doe Corporations 1-10, Doe Partnerships 1-10, Doe Non-Profit Entities 1-10, and Doe Governmental Entities 1-10 (hereinafter collectively referred to as "Doe Defendants") are persons, corporations, partnerships, business entities, non-profit entities, and/or governmental entities who acted in a negligent, wrongful or tortious manner which proximately caused or contributed to the injuries and damages sustained by Plaintiff. Plaintiff has been unable to ascertain the names and identities of the above-named Doe Defendants from the investigation that has been conducted to date. Accordingly, Plaintiff had sued the unidentified Doe Defendants herein with fictitious names pursuant to Rule 17(d) of the Hawai'i Rules of Civil Procedure, and Plaintiff will substitute the true names, identities, capacities, acts and/or omissions of the Doe Defendants when the same are ascertained. Doe Defendants are vicariously liable for the negligence of their respective employees under the doctrine of *respondeat superior*.

6. Doe Defendants include all entities that, on or about July 22, 2020, and at all other times relevant herein, owned, maintained, operated, controlled, managed and were otherwise responsible for the escalator within and on the subject premises.

7. On or about July 22, 2020, while Plaintiff LYDIA H. SADAOKA was shopping on the subject premises, she wanted to get to the lower level. A TARGET employee directed her to use the non-working escalator and at the bottom of the escalator, Plaintiff LYDIA H. SADAOKA missed the last step and fell fracturing her ankle. As a result, Plaintiff LYDIA H. SADAOKA sustained serious injuries (“subject incident”).

8. On or about July 22, 2020, and at all other times relevant herein, Defendant TARGET acted in a careless and negligent manner in that Defendant TARGET created and maintained, and otherwise knew or should have known of, the unreasonably dangerous condition of the subject escalator and/or escalator equipment that proximately caused the subject incident, and because Defendant TARGET failed to maintain, inspect, repair, keep safe, replace worn of, or otherwise maintain the subject escalator and/or escalator equipment.

9. On or about July 22, 2020, and at all other times relevant herein, Defendant TARGET acted in a careless and negligent manner in that Defendant TARGET failed to properly repair and/or maintain the subject escalator and/or escalator equipment in accordance with all applicable safety codes, standards, laws and regulations.

10. Defendant TARGET is vicariously liable for the negligence of its employees and/or agents acting within the course and scope of their employment under the doctrine of *respondeat superior*.

11. As a direct and proximate result of the negligence of Defendant TARGET, Plaintiff LYDIA H. SADAOKA sustained severe and permanent injuries, incurred and will continue to incur medical and rehabilitative expenses, suffered serious mental and emotional distress, among other categories of general and special damages as will be shown at the time of trial.

COUNT II
(Negligence - Failure to Maintain)

12. Plaintiff realleges and incorporates by reference all of the allegations contained in the Complaint as though fully set forth and repeated here.

13. Defendant TARGET negligently failed to maintain the subject escalator and/or escalator equipment prior to and on the date of the subject incident, despite actual or constructive knowledge and/or notice of the dangerous condition of said escalator and/or escalator equipment.

14. As a direct and proximate result of the aforesaid negligence, Plaintiff LYDIA H. SADAOKA sustained injuries and damages as alleged herein.

COUNT III
(Negligence - Failure to Warn)

15. Plaintiff realleges and incorporates by reference all of the allegations contained in the Complaint as though fully set forth and repeated here.

16. On or about July 22, 2020, and at all other times relevant herein, Defendant TARGET negligently failed to provide any warning, or any adequate warning, of the hazardous conditions of the subject escalator and/or escalator equipment, despite actual or constructive knowledge and/or notice of said condition, thereby allowing an unreasonably dangerous condition to exist on the subject premises.

17. As a direct and proximate result of said negligence, Plaintiff LYDIA H. SADAOKA sustained injuries and damages as alleged herein.

WHEREFORE, Plaintiff demands judgment against Defendant TARGET, and any defendants named later, jointly and severally, for general and special damages in amounts

that will be proven at trial, and for their costs, interest from the date of the incident, reasonable attorneys' fees, and such other relief as the Court deems just and proper.



DATED: Honolulu, Hawai'i, July 16, 2021.

/s/ Ian Scott Mattoch

IAN SCOTT MATTOCH

DANIEL P. KIRLEY

Attorneys for Plaintiff

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF LYDIA H. SADAOKA,	VS.	DEFENDANT(S) TARGET CORPORATION, a foreign profit corporation; JOHN DOES 1 10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; and DOE GOVERNMENTAL ENTITIES 1-10,
PLAINTIFF'S NAME & ADDRESS, TEL. NO. IAN SCOTT MATTOCH 7251-0 DANIEL P. KIRLEY 6205-0 1003 Bishop Street, Suite 890 Honolulu, Hawai'i 96813 Telephone: 808-523-2451		
TO THE ABOVE-NAMED DEFENDANT(S) You are hereby summoned and required to file with the court and serve upon IAN SCOTT MATTOCH 7251-0/DANIEL P. KIRLEY 6205-0 1003 Bishop Street, Suite 890 Honolulu, Hawai'i 96813 plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS. A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i 	
 In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.		